

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FIRST CHICAGO INSURANCE
COMPANY,

Plaintiff,

v.

Case No: 8:21-cv-2918-CEH-AAS

JANET FREEMAN, NYAH VERNAE
THORTON and KIMBERLY
CROCKETT,

Defendants.

_____ /

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Amanda Arnold Sansone (Doc. 44). In the Report and Recommendation, Magistrate Judge Sansone recommends that First Chicago's Amended Motion for Final Default Judgement (Doc. 42) be granted and that declaratory judgment be entered in favor of First Chicago and against Ms. Freeman, Ms. Thornton, and Ms. Crockett. Magistrate Judge Sansone further recommends that the declaratory judgment state the following: a. Ms. Freeman failed to comply with policy conditions; b. First Chicago's decision to accept the risk and provide the insurance was materially affected by Ms. Freeman's direct misrepresentation, omission, concealment of facts or incorrect statements, or her failure to disclose material changes to the information in her application; c. Ms. Freeman failed to notify First Chicago of any changes during the policy period, including her change of address

and/or her relocation to Florida, despite her obligation to do so; d. Ms. Freeman failed to provide notice of her relocation to First Chicago within 30 days of the time when she became a resident of Florida; e. Ms. Freeman failed to provide notice to First Chicago that Ms. Thornton had become a resident of her household; f. Ms. Freeman and Ms. Thornton are not entitled to coverage or a defense for the March 25, 2021, motor vehicle accident; g. First Chicago has no duty to defend Ms. Freeman and Ms. Thornton; h. First Chicago has no duty to indemnify Ms. Freeman and Ms. Thornton; i. First Chicago can rescind its defense of Ms. Freeman and Ms. Thornton; and j. The policy shall be null and void and of no benefit whatsoever from its inception.

All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

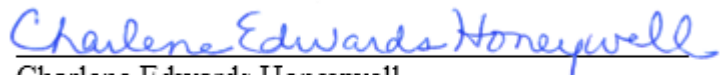
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 44) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) First Chicago's Amended Motion for Final Default Judgement (Doc. 42) is GRANTED.
- (3) A Declaratory Judgment will be entered by separate order which reflects:

- a. Ms. Freeman failed to comply with policy conditions;
- b. First Chicago's decision to accept the risk and provide the insurance was materially affected by Ms. Freeman's direct misrepresentation, omission, concealment of facts or incorrect statements, or her failure to disclose material changes to the information in her application;
- c. Ms. Freeman failed to notify First Chicago of any changes during the policy period, including her change of address and/or her relocation to Florida, despite her obligation to do so;
- d. Ms. Freeman failed to provide notice of her relocation to First Chicago within 30 days of the time when she became a resident of Florida
- e. Ms. Freeman failed to provide notice to First Chicago that Ms. Thornton had become a resident of her household;
- f. Ms. Freeman and Ms. Thornton are not entitled to coverage or a defense for the March 25, 2021, motor vehicle accident;
- g. First Chicago has no duty to defend Ms. Freeman and Ms. Thornton;
- h. First Chicago has no duty to indemnify Ms. Freeman and Ms. Thornton;
- i. First Chicago can rescind its defense of Ms. Freeman and Ms. Thornton; and
- j. The policy shall be null and void and of no benefit whatsoever from its inception.

DONE AND ORDERED at Tampa, Florida on July 3, 2023.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Amanda Arnold Sansone
Counsel of Record